



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

March 3, 1939

Hon. L. P. Heard
County Auditor
Roll County
Dalton, Texas

Dear Sir:

Opinion No. 0-332
Re: Article 3099(b) - Purchase
of supplies by county officials.

Your letter of February 11th, addressed to Hon. Gerald C. Hanna has been received by this Department. We want us to quote the first paragraph of your letter, setting forth the question upon which you desire us to render an opinion:

"Will you please advise me, whether or not any officer is allowed to purchase any supplies of any kind for his office for official use, and have same charged to the county, without a requisition for the purchase from the County Auditor or County Judge, unless the same has been discussed with the Commissioners' Court and the approximate cost thereof predetermined."

The above-quoted paragraph calls primarily for a clear enunciation of the applicability of Article 3099(b) as amended. We herein set forth the controlling parts of said article, as applicable to your problem:

"Article 3099(b). Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expenses necessary in the proper and legal conduct of

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Hon. P.L. Marquess January 20th, '39 #2

that the commissions therein provided for were to be paid the treasurer for all sums of money received by him for the account and the benefit of such district and for all sums of money paid out by the district as legitimate expenses. Under the state of facts as presented by you, it is quite clear that the district received no money, nor was any money paid out by the district. It represents but a transfer of funds from one fund to another within the district itself. The statute makes no provision for commissions to be paid the treasurer for transferring funds within the district.

You are therefore respectfully advised that the treasurer of the Conservation & Reclamation District #1 is not entitled to any commissions for having made the transfers mentioned by you.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Lloyd Austin*
Assistant

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APPROVED

Samuel B. Mason
ATTORNEY GENERAL OF TEXAS

Gen. L. P. Heard, March 3, 1939, Page 3

enses necessary in the proper and legal conduct of his office...." The statute does not end here, but certain conditions or qualifications upon the exercise of this power in making purchases are plainly inserted. The expenses contemplated are to be passed on, pre-determined and allowed once each month for the ensuing month. Then follows the application for allowance and manner of its presentation to and approval by the Commissioners' Court. Further, such purchases shall be made by each officer, when allowed, only by requisition in manner provided for by the county auditor, if any, otherwise by the Commissioners' Court.

By the language used above, it is evident that the Legislature intended the official should comply with the above provisions as a condition precedent to his being allowed, as a matter of right, such expenses. Their allowance can only be made where the items are reasonable and necessary and the Commissioners' Court is given discretionary power in determining if such items of expense have been incurred and whether they are reasonable and necessary as provided in the above section.

It would appear then that any arbitrary disregard of said conditions on the part of a county official would be at his own risk in demanding payment for such expenses incurred otherwise.

It is, therefore, the opinion of this Department that while certain county officials may have charged to the county all reasonable expenses necessary in the proper and legal conduct of their offices, the conditions as set forth in Article 3899(b) and above discussed, must be complied with before he can, as a matter of right, demand that they be approved and allowed, such being within the discretion of the Commissioners' Court.

Trusting that the above answers your inquiry,
we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Wm. J. King
Wm. J. King
Assistant

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